

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORBIT ONE COMMUNICATIONS, INC.,
and DAVID RONSEN,

Plaintiffs,

- against -

NUMEREX CORP.,

Defendant.

08-CV-0905 (LAK) (JCF)

NOTICE OF MOTION

NUMEREX CORP.,

Plaintiff,

-against

SCOTT ROSENZWEIG and GARY NADEN,

Defendants.

08-CV-6233 (LAK) (JCF)

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Brandon H. Cowart executed on August 27, 2008, and the exhibits attached thereto, the Declaration of Kent A. Yalowitz executed on August 27, 2008, together with the accompanying Memorandum of Law dated August 27, 2008, defendant and counterclaim plaintiff Numerex Corp., by its undersigned counsel, will move this Court on the 26th day of September, 2008 before the Honorable James C. Francis IV, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 18D, New York, New York 10007, for an order, pursuant to the Court's inherent authority to control the judicial process and litigation, (a) directing Plaintiffs Orbit One Communications, Inc and David Ronsen to return immediately to Numerex all documents and/or electronic data in their possession, custody or control removed and/or copied by Ronsen or other Numerex

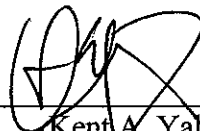
personnel acting at Ronsen's behest; (b) directing Ronsen to compensate Numerex Corp. for the costs and fees incurred in bringing this motion; and (c) directing that certain discovery be taken so that Numerex and the Court can determine whether additional sanctions are warranted.

Dated: New York, New York
August 27, 2008

Respectfully submitted,

ARNOLD & PORTER LLP

By



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and David Ronsen*

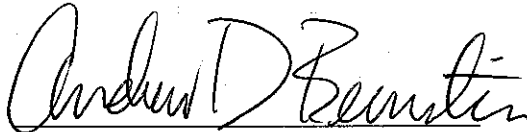
Howard J. Kaplan, Esq.
Arkin Kaplan Rice LLP
590 Madison Avenue
New York, NY 10022

Attorneys for Scott Rosenzweig and Gary Naden

CERTIFICATE OF SERVICE

I, Andrew D. Bernstein, respectfully show that on the 27th day of August, 2008, the annexed **NOTICE OF MOTION, NUMEREX CORP.'S MEMORANDUM IN SUPPORT OF MOTION FOR RETURN OF STOLEN DOCUMENTS AND SANCTIONS, DECLARATION OF KENT A. YALOWITZ IN SUPPORT OF NUMEREX CORP.'S MOTION FOR RETURN OF STOLEN DOCUMENTS AND SANCTIONS, AND DECLARATION OF BRANDON H. COWART IN SUPPORT OF NUMEREX CORP.'S MOTION FOR RETURN OF STOLEN DOCUMENTS AND SANCTIONS** were served by first-class mail upon:

Howard J. Kaplan
Arkin Kaplan Rice LLP
590 Madison Avenue
New York, NY 10022


Andrew D. Bernstein